

Am



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,110	11/06/2001	Marcus Anthonius Blom	PTT-122 (402539US	9515

7265 7590 02/15/2005

MICHAELSON AND WALLACE  
PARKWAY 109 OFFICE CENTER  
328 NEWMAN SPRINGS RD  
P O BOX 8489  
RED BANK, NJ 07701

EXAMINER

BENGZON, GREG C

ART UNIT	PAPER NUMBER
----------	--------------

2144

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/936,110	<b>Applicant(s)</b> BLOM, MARCUS ANTHONIUS	
	<b>Examiner</b> Greg . Bengzon	<b>Art Unit</b> 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 1-3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This application has been examined. Claims 1-3 are pending.

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy for the Netherlands application #1011524 has been filed in parent Application No. 09/936110, filed on September 7, 2001.

The effective date for the pending claims (as amended on November 6, 2001) described in this application is March 10, 1999.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on September 7, 2001 was filed after the mailing date of the application on September 7, 2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the IP access devices, IP routers, subscriber profiles, Quality-of-Service databases, subscriber lookup method and apparatus, means for assigning IP address to users, specific bit patterns, reserved IP address spaces, and all other features of the invention and their respective apparatus

Art Unit: 2144

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: the sentence describing IP router should read as follows.

Art Unit: 2144

b. said IP routers detect at said reserved IP-address space said bit pattern in reserved IP-address space and process the packet according to the Quality-of-service parameters as indicated by said detected bit pattern.

Claims 2 and 3 are objected to because of the following informalities: The notations (Proc1) and (Proc2) are not supported in the specifications and should be removed from the claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3 (as amended on November 6, 2001) rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The applicant does not disclose sufficient information in the specification regarding methods for storing, retrieving Quality-of-Service parameters and assigning IP address to users based on said parameters. Applicant does not disclose sufficient information in the specification regarding the specific bit patterns in the IP addresses, the reserved IP-address spaces, basis of

Art Unit: 2144

relevancy of such bit patterns to the Quality-of-Service Parameters and user profiles, and the means to fulfill desired Quality-of-Service using the assigned IP address.

Though the statute does not use the term "undue experimentation," it has been interpreted to require that the claimed invention be enabled so that any person skilled in the art can make and use the invention without undue experimentation. The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation.

The Examiner notes that specification was not enabling with respect to the said claims at issue, noting further that there was no considerable direction and guidance in the specification; that there was no evidence presented by the Applicant of a high level of skill in the art at the time the application was filed; and also no evidence presented that all of the methods needed to practice the invention were well known.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to Claim 1, the claim is incomprehensible with regards to feature describing IP routers detecting bit patterns in IP-address.

Art Unit: 2144

With respect to Claims 2 and 3, the claims cite notations (Proc1) and (Proc2) which are not disclosed in the specifications and render the claims incomprehensible.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 (as amended on November 6, 2001) are rejected under 35 U.S.C. 103(a) as being unpatentable over Woundy (US Patent 6009103) in view of Tsuchiya (US Patent 5353283).

With respect to Claim 1, Woundy discloses a method for the transmission, via an IP access device and various IP routers, of IP packets, originating from users with different Quality-of-service contracts, whereas, upon login of a user, said IP access device assigns an IP address to said user and, moreover, retrieves, from a Quality-of-service database Quality-of-Service parameters assigned to said user (Columns 1 Lines 15-25, Columns 2 Lines 1-15), characterised by, the steps: a. said IP access device assigns, on the basis of said retrieved Quality-of-service parameters, an IP-address to the user (Columns 3 Lines 1-35, Columns 4 Lines 35-60, Columns 5 Lines 35-45); b. said IP routers detect said IP-address and process the packet according to the Quality-of-service parameters. The examiner notes that in the process of assigning an IP-address according to the Quality-of-Service parameters assigned to the user, the IP

Art Unit: 2144

access device inherently modifies the bit patterns in the reserved spaces of the IP-address, such bit patterns being the binary representation of the alphanumeric value that is indicative of the network, subnetwork, and host to which the user's access device is logically or physically connected.

With respect to Claim 2, Woundy discloses an IP-access device for the transmission of IP packets, originating from users with different Quality-of-service contracts, comprising means for assigning an IP address to such a user and, moreover, for retrieving from a Quality-of-service database, Quality-of-Service parameters assigned to said user. (Columns 1 Lines 15-25, Columns 2 Lines 1-15, Columns 3 Lines 1-35, Columns 4 Lines 35-60, Columns 5 Lines 35-45)

With respect to Claim 3, Woundy discloses an IP router, for routing, on the basis of IP-address, IP packets, originating from users with different Quality-of-service contracts, characterised by means for detecting IP-address of such IP packet, representative for the relevant user's Quality-of-service parameters. and for processing the IP packet according to the Quality-of-Service parameters. (Columns 1 Lines 15-25, Columns 2 Lines 1-15, Columns 3 Lines 1-35, Columns 4 Lines 35-60, Columns 5 Lines 35-45)

However Woundy does not disclose said IP access devices inserting a bit pattern in the reserved IP-address space which is representative for the user Quality-of-service parameters. Furthermore, Woundy does not disclose of IP routers detecting at



Art Unit: 2144

said reserved IP-address space said bit pattern in reserved IP-address space and processing the packet according to the Quality-of-service parameters as indicated by said detected bit pattern in the reserved address space. The examiner notes that Woundy does not disclose the reserved IP-address spaces as corresponding to the nodes in the network through which the IP packets are routed, each node corresponding to a Quality-of-Service level.

Tsuchiya discloses a method of transmission wherein the reserved IP-address space corresponds to a node along the packet transmission route, said node indicative of a Quality-of-Service level. Tsuchiya provides a more granular level of disclosure regarding IP-addresses that correspond to Quality-of-Service levels. (Figure 4, Figure 7, Columns 3 Lines 15-35, Columns 3 Lines 15-35, Columns 4 Lines 45-55) Tsuchiya discloses that it is possible for a node to specify exactly through which backbone networks the packet should be transmitted by placing a specific sequence of identifiers in the routing directive, and describes this form of routing as 'policy routing'. Tsuchiya indicates that the IP address (and hence bit patterns in the reserved spaces in the address) varies according to the Quality-of-Service level assigned to the IP packet and also to each node in the network.

Woundy and Tsuchiya are analogous art because they present concepts and practices regarding routing of IP packets following Quality-of-Service assignments and parameters. It is respectfully suggested that at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the teachings of Tsuchiya regarding 'policy routing'. The suggested motivation for doing so would have

Art Unit: 2144

been, as Tsuchiya suggests, to readily permit a source node to specify the entire route or manner via which a packet is routed, and avoid arbitrary routing and handling by the intermediate nodes. For example, if low delay quality of service is specified in the packet, it is difficult to predict where a node will handle the packet with a low delay or route the packet along a low delay route in order to achieve a low delay. (Columns 3 Lines 30-45)

Therefore, it would have been obvious to combine the teachings of Tsuchiya with the method and system of Woundy in order to obtain the invention described in Claims 1-3.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form for details.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571)272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2144

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcb



WILLIAM A. CUCHLINSKI, JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3800